

August 14, 2012
Regular Council Meeting
MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 14, 2012

A Regular meeting of the City Council of the City of Hopewell, Virginia, was held Tuesday, August 14, 2012, at 7:30 PM in the City Council Chambers, Municipal Building, 300 North Main Street, Hopewell, Virginia.

PRESENT: Christina J. Luman-Bailey, Mayor
 K. Wayne Walton, Vice Mayor
 Roosevelt Edwards, Jr., Councilor
 Michael C. Bujakowski, Councilor
 Gerald S. Stokes, Councilor
 Brenda S. Pelham, Councilor
 Jackie M. Shornak, Councilor

 Edwin C. Daley, City Manager
 Thomas E. Lacheney, City Attorney
 Ann M. Romano, City Clerk

ROLL CALL

Mayor Luman-Bailey opened the meeting at 6:30 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Edwards	-	present
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	ABSENT (arrived at 6:38 PM)
Councilor Shornak	-	present

CLOSED SESSION

Motion was made by Councilor _____, seconded by Councilor _____, and unanimously passed to convene into Closed Session to discuss Personnel (City Attorney interviews and personnel matter with City Attorney); Legal Matters (update status of all City litigation); and Appointments to Boards and Commissions in accordance with the Code of Virginia §2.2-3711(A) (1) and (7).

OPEN SESSION

At _:_ PM Council convened into Open Session. Councilors responded to the question: "Were the only matters discussed in the Closed Meeting public business matters lawfully exempted from open meeting requirements; and public business matters identified in the motion to convene into Closed Session?" Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

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REGULAR MEETING

Mayor Luman-Bailey opened the regular meeting at 7:39 PM. Roll call was taken as follows:

Mayor Luman-Bailey	-	present
Vice Mayor Walton	-	present
Councilor Edwards	-	present
Councilor Bujakowski	-	present
Councilor Stokes	-	present
Councilor Pelham	-	present
Councilor Shornak	-	present

Prayer was offered by Herbert Bragg, Director of Intergovernmental & Public Affairs, followed by the Pledge of Allegiance to the Flag of the United States of America.

CONSENT AGENDA

Motion was made by _____, seconded by Councilor _____, and unanimously passed to approve the Consent Agenda: Minutes of Regular Council meeting July 10, 2012; Pending List; Information for Council Review: School Board agenda & General Resolutions 7/9/2012; Recreation Commission minutes 7/5/12; HRHA minutes 5/14/12 & agenda 7/9/12; Social Services Advisory Board minutes 3/12/12, 5/7/12 & 5/14/12; TSB minutes 4/3/12 & agenda 8/7/12; and Beacon Theatre Committee Project Meeting Minutes July 19, 2012; Routine Approval of Work Sessions: October 2, 2012 (Fort Lee Land Use Study and PART); Ordinances on second and final reading: Ord. #2012-01-Art.XIV-B (TH-1), Sec. N, Expiration of Certificate of Appropriateness; Ord. #2012-05-Amending and Reenacting Sec. 18-1, Unlawful Accumulations or Growth, of Art. I, Garbage, Refuse and Weeds; Proclamations/Resolutions/Presentations: Recreation Commission Advisory Board-Certificate of Appreciation to Tiana Stokes, Student Representative.

Ordinance No. 2012-01

An Ordinance amending Article XIV-B, Tourist/Historic District (TH-1), of the Zoning Ordinance of the City of Hopewell

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL, that Article XIV-B, Section N, Expiration of Certificate of Appropriateness, of the Zoning Ordinance of the City of Hopewell, hereby is, amended, and re-enacted as follows:

**ARTICLE XIV-B.
TOURIST/HISTORIC DISTRICT (TH-1)**

STATEMENT OF INTENT

The Tourist/Historic District is intended to create an attractive surrounding to tourists who are interested in the historic significance of the area and to reflect in a historic context the role of City Point as a commercial and residential town. Such a district would permit uses which otherwise may be deemed incompatible, but, due to the common ties to historic and architectural preservation and development, the uses coexist and work together to form a network of commercial and residential entities with a backdrop of historic significance. To the ends, development is limited to low density residential and commercial and light manufacturing (cottage industry) of historic or tourist oriented merchandise or products.

For clarification and better understanding of this article, the following are offered:

* for the purpose of this article, "exterior architectural appearance: shall include architectural character; general arrangement of the exterior of a structure; general composition, including the kind, color, and texture of the building materials; and type and character of all windows, doors, light fixtures, signs and appurtenant elements subject to public view from a public street, public alley, or other public place."

A. USE REGULATIONS

In the TH-1 Tourist/Historic District, land may be used and buildings or structures may be erected, altered or used, only for the following (with off-street parking as required for the permitted use within the district):

1. Uses by right:
 - a. Single family dwellings.
 - b. Public scenic parks and gardens.
 - c. Accessory uses as defined in this ordinance; however, no accessory use or structure shall be any closer than fifteen (15) feet to any property line.
 - d. Off-street parking as required in Article XVIII of this ordinance.
 - e. Signs reviewed by the Board of Architectural Review (BAR) and deemed appropriate for historic intent in design, verbiage, and color, in accordance with Article XVIII (L) of this ordinance.
 - f. Municipal and public service facilities as well as public utilities, such as poles, line distribution transformers, meters, water, sewer and gas lines, booster and relay stations, transformer substations, transmission lines, to be located underground in all instances; cellular towers to be excluded.
 - g. Private utilities; towers for wireless transmission above the frequency of 20,000 hertz with a Conditional Use Permit by City Council.
 - h. Municipal owned recreational facilities which enhance the historic nature of the district.
 - i. Home occupation, as defined, to be located in the main building or an appropriate historic out-building.
2. Uses by Conditional Use Permit by City Council by Special Exception by the Board of Zoning Appeals, after review and recommendation by Board of Architectural Review.
 - a. Dwelling units in non-commercial areas of any otherwise permitted use, provided that each dwelling unit has a minimum of six hundred (600) gross square feet.
 - b. Banks and financial institutions.
 - c. Bed and Breakfast establishments.
 - d. Museums and art galleries.
 - e. Professional offices, as defined.
 - f. Restaurants, excluding drive-in and fast food establishments.
 - g. Retail stores and businesses which sell, as their primary product, items which are historic in nature or carry a historic connotation or have a significant interest in the tourist trade in the area, including but not limited to stores and boutiques specializing in ladies', children's, and men's wear, accessories, gifts, books, toiletries, jewelry, film, and selected sundries to be located only along Water Street or the Maplewood Apartment.
 - h. Cruise piers and the like with facilities for fueling but not including major repair or construction facilities.
 - i. Cottage industries which manufacture products for retail sale on premises that are oriented toward the tourist market in this area; to be located only along Water Street or the Maplewood Apartments.

B. AREA REGULATIONS

1. The minimum lot area for permitted uses in this district shall be twelve thousand (12,000) square feet.

C. LOT WIDTH

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1. The minimum lot width for permitted uses in this district shall be eighty (80) feet at the setback line.

D. SETBACK REGULATIONS

1. Structures shall be located at least twenty five (25) feet from any street or highway, or any street or highway right-of-way line, except that if there are two abutting lots with structures on both of them, no new structure need be set back more than the average of the two (2) adjacent structures on either side. This shall be known as the "setback line".

E. YARD REGULATIONS

1. Side: The minimum width of each side yard for a permitted use in this district shall be ten (10) feet.
2. Rear: Each main structure shall have a rear yard of at least twenty five (25) feet.

F. HEIGHT REGULATIONS

1. Buildings may be erected up to thirty-five (35) feet or two and one half (2 1/2) stories from grade, except that:
 - a. Dwellings may be increased in height up to forty-five (45) feet or three (3) stories provided the required side yards are increased one (1) foot for each additional foot of height over thirty-five (35) feet.
 - b. Chimneys, water towers, wireless towers and other necessary mechanical appurtenances when permitted by this Article are exempt from the provisions of this section.

G. SPECIAL PROVISIONS FOR CORNER LOTS

1. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets, except that when one street has more than twice the traffic volume of the other, the side facing the street with the highest traffic volumes shall be deemed to be the front.
2. The side yard facing on the side street shall be twenty (20) feet or more for both the main and accessory building.

H. REQUIREMENT FOR PERMITTED USES

Before a building permit shall be issued or construction commenced on any permitted use other than a single-family dwelling in this district, or a permit issued for a new use other than a single-family dwelling, all requirements of Article XVI, Site Plan Requirements, shall be met. All proposals for residential, commercial, professional use, new construction, restoration or alterations shall be reviewed for appropriateness by the Board of Architectural Review before a building permit or business license shall be issued or construction commenced on any permitted use in this district.

I. CERTIFICATION OF APPROPRIATENESS, GENERALLY

1. No building or structure within the Historic District shall be erected, reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Board of Architectural Review.
2. No building or area which has been designated as a historical building or area by the Virginia Historic Landmarks Commissioner, or by the local, state or federal government shall be demolished or removed, in whole or in part, unless and until an application for a certificate of appropriateness shall have been approved by the Board of Architectural Review.
3. Evidence of such required approval shall be a certificate of appropriateness issued by the Board of Architectural Review.
4. Application for a certificate of appropriateness required by the Article shall be made to the zoning administrator.

J. BOARD OF ARCHTITECTURAL REVIEW

1. A Board of Architectural Review is hereby established and shall be known as the Board of Architectural Review, hereafter referred to as the review board. The review board shall consist of seven (7) members

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who shall be appointed by City Council. One (1) shall be a-resident of the City Point Historic District, one (1) may be a registered architect, and the remainder shall be residents of the City of Hopewell with knowledge and demonstrated interest in the historic character of the city. These members shall serve a term of four (4) years One (1) member of the city administration shall be appointed as an advisory member of the review board and shall have no vote. (Ord. 2009-21)

2. The review board shall elect from its own membership a chairman and a vice chairman and secretary, who shall serve annual terms as such and may succeed themselves.
3. The chairman shall conduct the meetings of the review board. The secretary shall keep minutes of the meetings and a permanent record of all resolutions, motions, transactions, and determinations. All members of the review board, except for advisory members, shall be entitled to vote, and the decisions of the review board shall be determined by a majority vote. A quorum of four (4) voting members present is required before the review board may take any official action. The review board shall monthly after notification by the zoning administrator of an application for a certificate of appropriateness or permit requiring action by the review board. The meetings of the review board shall be open to the public, and a full and impartial hearing shall be granted. The review board shall vote and announce its decision on any matter properly before it no later than sixty (60) days after the conclusion of the hearing on the matter, unless the time is extended with the written consent of the applicant. The review board cases where an applicant appears within ninety (90) days with his application amended as provided in this Article. The review board shall not hear the subject matter of any application, which has been denied, for a period of one (1) year, except in cases where an applicant appears within ninety (90) days with the application amended as hereinafter provided. (Ord. 2011-14)
4. In the case of disapproval or denial of the erection, reconstruction, alteration, or restoration of a building or structure, the review board shall briefly state its reasons for such disapproval in writing, and it may make recommendations to the applicant with respect to suggested changes, the appropriateness of design, arrangement, texture, material, color, location and the like of a building or structure involved. In the case of disapproval accompanied by such recommendations, the applicant may amend and resubmit his application within ninety (90) days of such disapproval or denial if such application has been amended to comply with all of the recommendations of the review board.
5. In the case of disapproval of the demolition of a building which exists in the Historic District, the review shall state specifically its reason in writing.
6. The review board, when requested by application for a building permit in the Historic District, shall advise as to the changes and alterations necessary to bring the proposed building or structure in harmony with the general design of the building or structures located in the surrounding areas.
7. In matters governing the procedure for meetings not covered by this Article, the review board may establish its own rules and procedures; provided they are not contrary to the spirit of this Article.

K. NOTICE OF PUBLIC HEARING:

No application for a certificate of appropriateness to demolish a building which exists in the Historic District shall be considered by the review board until a public hearing has been held thereon, following notice as required under Section 15.2-2204, Code of Virginia (1950), as amended.

L. CRITERIA FOR GRANTING A CERTIFICATE OF APPROPRIATENESS:

1. Before a certificate of appropriateness is issued for the erection, reconstruction, alteration or restoration of a building or structure in the Historic District, the review board shall consider:
 - a. The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place and area in the district upon which it is proposed to be located, constructed, reconstructed, altered, or restored.
 - b. The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the district and environs.

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2. Before a certificate of appropriateness is issued for the demolition of a building or structure which exists in the Historic District, the review board shall consider:
 - a. Is the building of such architectural or historic interest that its removal or disturbance would be to the detriment of the public interest?
 - b. Is the building of such interest or significance that it could be made into a national, state or local historic shrine?
 - c. Is the building of such old and unusual or uncommon design, texture and/or material that it could not be reproduced, or could be reproduced only with great difficulty and/or expense?
 - d. Would retention of the building help preserve the historic character of the district?
 - e. Would retention of the building help preserve a historic interest in a place or an area of the city?
 - f. Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating new positions; attracting tourists, students, writers, historians, artists and artisans; attracting new residents; encouraging study and interest in American history; stimulating interest and study in architecture and design; educating citizens in American culture and heritage; and making the city a more attractive and desirable place in which to live?
3. The review board shall not consider detailed designs, interior arrangements, or features of a building or structure which are not subject to public view from a public street, public way, or other public place, except to the extent necessary to do so for the purpose of preventing the location, construction, reconstruction, alteration or repair of a building or structure that will be incongruous with the preservation and protection of the historic aspects, settings and environment of the district and other buildings, structures, land, places of areas therein.

M. ISSUANCE OF CERTIFICATE OF APPROPRIATENESS:

Upon approval by the review board of any erection, reconstruction, alteration, restoration or demolition, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject to the provisions of this Article shall be made available to the applicant.

N. EXPIRATION OF CERTIFICATE OF APPROPRIATENESS:

Any certificate of appropriateness issued pursuant to this Article shall expire of its own limitations twelve (12) months from the date of issuance if the work authorized by said certificate has not commenced or ; if any such work is suspended or abandoned for a period of twelve (12) months after being commenced. Any certificate of appropriateness issued pursuant to this Article shall also expire if the work authorized by said certificate has not been substantially completed within eighteen (18) months after issuance of the certificate.

"Substantial Completion" is the point at which, as certified in writing by the contracting parties, a project is at the level of completion, in strict compliance with the contract, where:

- (1) Necessary final approval by the Hopewell Building Official has been given (if required);
- (2) The owner has received all required warranties, paperwork and/or documentation from the contractor, if applicable;
- (3) The owner may enjoy beneficial use or occupancy and may use, operate, and maintain the project in all respects, for its intended purpose; and
- (4) Any work remaining on the project is minor or "punch list" in nature.

Any period or periods of time during which the right to use any such certificate is stayed pursuant to this Article, shall be excluded from the computation of the twelve (12) or eighteen (18) month period.

O. APPEALS FROM BOARD OF ARCHITECTURAL REVIEW:

Any applicant aggrieved by a final decision of the board of architectural review shall have the right to appeal such decision to the Hopewell City Council, provided that such appeal is filed within a period of thirty (30)

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days after the review board has made its decision. The filing of the petition shall stay the review board's decision pending the outcome of the appeal to the City Council. Any applicant aggrieved from any final decision of the City Council shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided such petition is filed within thirty (30) days after the final decision is rendered by the governing body. The filing of the said petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the governing body if such decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

P. ADDITIONAL OR CONCURRENT RIGHT TO DEMOLISH BUILDINGS IN THE HISTORIC HOPEWELL DISTRICT:

In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the demolition of which is subject to the provisions of this Article, shall as a matter of right, be entitled to demolish such building or structure provided that:

1. He has applied to the board of review for such right.
2. That the owner has, for the period of time set forth in the time schedule hereinafter contained and a price reasonably related to its fair market value, made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.
3. That no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the review board, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated regarding a stay of the decision appealed from, shall not affect the right of the owner to make a bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one (1) year after the final decision of the review board. The time schedule for offers to sell shall be as follows:

Property Valued At:

Less Than \$25,000
\$25,000 – \$39,999
\$40,000 – \$54,999
\$55,000 – \$74,999
\$75,000 – \$89,999
\$90,000 – or more

Minimum Offer to Sell Period:

3 months
4 months
5 months
6 months
7 months
12 months

Q. BONA FIDE OFFER TO SELL:

1. Notice: Before making a bona fide offer to sell, provided for above in this Article, an owner shall first file a statement with the zoning administrator. The statement shall identify the property, state the offering price, the date of the offer of sale is to begin, and the name of the real estate agent, if any. No time period set forth in the schedule contained elsewhere in Section J. of the Article shall begin to run until the statement has been filed. Within five (5) days of receipt of a statement, copies of the statement shall be delivered to the members of city council, members of the planning commission, and the city manager.

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2. Question as to price: The fact that an offer to sell a building or structure and the land pertaining thereto is at a price reasonably related to fair market value may be questioned; provided, it is filed with the zoning administrator, on or before fifteen (15) days after the offer for sale has begun, a petition in writing signed by at least twenty-five (25) persons owning real estate within the Historic Hopewell District. Upon receipt of such a petition, three (3) disinterested real estate appraisers, familiar with property values in the Historic Hopewell District, shall be appointed: one (1) by the review board, one (1) by the property owner and one (1) by the review board and the property owner. The cost of the appraisals shall be divided equally between the property owner and the city. Said appraisers shall forthwith make a appraisal of the building or structure and the land pertaining thereto in question and forthwith file a written report with the zoning administrator stating whether, in their opinion, the offer to sell the building or structure and the land pertaining thereto is at a price reasonably related to its fair market offer to sell the building or structure and the land pertaining thereto is at a price reasonably relate o its fair market value, the owner may continue as if no question had been raised. In the event the opinion is to the effect that the offer to sell the building or structure and the land pertaining thereto is not at a price reasonably related to its fair market value, the offer to sell shall be void an of no force and effect; and the owner, if he wishes to take advantage of the additional or concurrent right (to demolish said building or structure) provided for above in this Article, must file a notice provided for above and proceed with the demolition. Notwithstanding an adverse opinion by the appraisers, if any owner has entered into a binding bona fide contract as provided for above prior to the date the appraisers have file their report with the zoning administrator, the price shall be deemed reasonably related to fair market value.

R. YARD VARIANCES:

Due to peculiar conditions of design and construction in historic neighborhoods where buildings and structures are often built close to the lot lines, it is in the public interest to retain a neighborhood's historic appearance by granting variance to normal yard requirements. Where it s deemed that such a variance will not adversely affect neighboring properties, the board of review may recommend to the board of zoning appeals that such variance to standard yard requirements be made.

S. PERMITTED USES:

Nothing in this Article shall be construed to prevent any use of land, building, or structure in the district permitted by the regulations prescribed in this ordinance for the district in which such land, buildings, or structure is otherwise located.

T. EXCLUSION:

1. Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this Article; nor shall anything in this Article be construed to prevent the construction, reconstruction, alteration, or demolition of any such element which the authorized municipal offers shall certify as required by public safety.
2. For the purpose of this ordinance; ordinary maintenance and repair is defined as any work which preserves and does not alter the present or current appearance of the exterior elements of the building or structure.
3. For the purpose of this section, examples of work not requiring approval of the Board of Architectural Review are: repainting an existing window, door, porch, porch rail, etc.; re-roofing a building with the same type/color of shingles; replacing same color asbestos shingles on a house now containing asbestos shingles.
4. For the purpose of this section, examples of work requiring approval of the Board of Architectural Review are: changing the color of a house or structure; any new addition to a house or structure; any new house or structure; installing new windows or architectural trim; installing siding material not identical in color or texture to what is presently on the house or structure.

U. DEFINING HISTORIC BUILDINGS AND AREAS:

It shall be the continuing duty of the review board to investigate and delineate buildings, structures, places, and areas in the city having historic interest or value which should be preserved and protected in the execution

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and attainment of the purposes and objectives declared in this Article, and to report thereon from time to time to the city council for consideration as to whether they or any of them shall be set apart for preservation and protection under the provisions of this Article.

V. HISTORIC MARKERS:

The review board shall design an appropriate marker, bearing the seal of the city and the words "historic building" and shall invite each owner of a building of historical significance to display the marker thereon.

W. PROTECTIVE MAINTENANCE:

1. All buildings and structures within the Historic District shall be preserved against decay and deterioration and maintained free from structural defects to the extent that such decay, deterioration or defects may, in the opinion of the review board, result in the irreparable deterioration of any exterior appurtenance or architectural features or produce a detrimental effect upon the character of the district as a whole or upon the life and character of the structure itself. The existence of any of the following conditions shall be sufficient to deem a structure an "endangered structure":
 - a. The deterioration or ineffective waterproofing of exterior walls or other vertical supports, including broken windows and doors;
 - b. The deterioration of roofs or horizontal members;
 - c. The deterioration of exterior chimneys;
 - d. The deterioration or crumbling of exterior plaster or mortar;
 - e. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - f. Defective lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
2. Upon a determination by the review board (with the technical advice of the Building Code Official) that a structure constitutes an endangered structure in accordance with section, the review board shall notify the zoning administrator of such determination, and the zoning administrator shall give notice of the determination and the requirements of this section to the property owner as set forth herein. Within thirty (30) days of receipt of this notice, the owner shall commence the necessary stabilization repairs and the owner shall complete the repairs within one hundred-twenty (120) days of such notice. The zoning administrator shall notify the owner by Certified Mail, Return Receipt Requested, of the endangered structure determination, and of the thirty (30) and one hundred-twenty (120) day time limitation set forth herein. Upon written notice to the zoning administrator within ten (10) days of receipt of the notice, an owner shall have a right to a hearing before the review board. Upon receipt of the owner's notice, the zoning administrator shall promptly advise the owner of the time and location of the hearing and the right to present evidence and be represented by counsel. The hearing shall be informal and the decision of the review board shall be subject to the appeal in accordance with Section O of this Article. (Ord. 94-40)
3. The one hundred-twenty (120) day time limit for completion of the repairs as set forth in the preceding paragraph may be extended for thirty (30) day intervals on the discretion of the review board for good cause shown.
4. Enforcement of this section shall be in conformance with Article XXII (A) of this ordinance.
5. Violations of this section shall be punishable as set forth in Article XX (B) of this ordinance.

This ordinance shall become effective upon the date of its adoption by the City Council. In all other respects said Zoning Ordinance shall remain unchanged and be in full force and effect.

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ORDINANCE NO. 2012-05

An Ordinance amending and reenacting Section 6-4, Keeping of livestock near residences, of Article I, In General, Chapter 6, Animals and Fowl, of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 6-4, Keeping of livestock near residences, of Article I, In General, Chapter 6 of the Code of the City of Hopewell is amended and reenacted as follows:

**Chapter 6. ANIMALS AND FOWL
ARTICLE I. IN GENERAL**

Sec. 6-1. Violations of chapter generally.

Except as otherwise provided in other sections of this chapter, a violation of any provision of this chapter shall constitute a Class 4 misdemeanor.

Sec. 6-2. Animal control officer, generally.

The city manager shall appoint an officer to be known as the animal control officer, who shall have the power to enforce this chapter and other ordinances and state laws for the protection of domestic animals. Within the limits of the appropriations therefor, the city manager may also appoint one (1) or more deputy animal control officers to assist the animal control officer in inspection activities and in law enforcement.

State law references: Code of Virginia, § 3.2-6555.

Sec. 6-3. City pound.

(a) A city pound shall be established and maintained in the city in accordance with the requirements deemed necessary by the city council and of a type approved by the health department. The city need not own such pound but may contract for its establishment with a private group or in conjunction with one (1) or more other local political subdivisions of the state.

- (1) The city pound shall be accessible to the public at reasonable hours during the week.
- (2) The city pound shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect or abandonment, and the pound shall update such statement as changes occur.
- (3) If a person contacts the city pound inquiring about a lost companion animal, the pound shall advise the person if the companion animal is confined at the pound or if a companion animal of similar description is confined at the pound.
- (4) The city pound shall maintain a written record of the information on each companion animal submitted to the pound by an animal shelter in accordance with Code of Virginia, § 3.2-6548 subsection D. for a period of thirty (30) days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by an animal shelter or allow such person inquiring about a lost animal to view the written records.
- (5) The city pound shall maintain a written record of the information on each companion animal submitted to the pound by a releasing agency other than a pound or animal shelter in accordance with Code of Virginia, § 3.2-6549 subdivision F.2. for a period of thirty (30) days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any

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information submitted by such releasing agency or allow such person inquiring about a lost companion animal to view the written records.

- (6) The city pound shall maintain a written record of the information on each companion animal submitted to the pound by an individual in accordance with Code of Virginia, § 3.2-6551 subdivision A.2. for a period of thirty (30) days from the date the information is received by the pound. If a person contacts the pound inquiring about a lost companion animal, the pound shall check its records and make available to such person any information submitted by the individual or allow such person inquiring about a lost companion animal to view the written records.

(b) It shall be unlawful for any person to break open, aid or assist, counsel or advise, the breaking open of the city pound or to take or let out, or attempt to take or let out, any animal placed therein pursuant to this chapter unless such act is done by an officer duly authorized by law, or to hinder or oppose any officer in taking up any dog or other animal, in accordance with provisions of this chapter.

State law reference: Code of Virginia, § 3.2-6546.

Sec. 6-4. Keeping of livestock or fowl near residences.

- (a) No horses, mules, cows, goats, sheep or livestock of similar nature shall be kept within one hundred (100) yards of any residence, except the residence of the owner of any such animal.
- (b) No fowl or domestic chickens shall be kept within the City by any person, except as provided below:
- (1) An enclosure shall be provided on all premises, which fowl are kept.
 - (2) A house or shelter shall be provided in all enclosures in which fowl are kept.
 - (3) Such house or shelter shall be kept dry and well-ventilated and shall be maintained in a clean and sanitary condition free of offensive odors and excrement at all times.
 - (4) All enclosures shall be so constructed as to keep the fowl secure from other animals.
 - (5) All enclosures shall be adequately enclosed and free from any rodents. The presence of rodents in any enclosure shall be prima facie evidence that such enclosure is maintained in violation of this section.
 - (6) All enclosures shall be located in the rear yard of the premises.
 - (7) No enclosure intended primarily for the keeping of fowl shall be constructed within 10 feet of the property lines.
 - (8) No enclosure shall be located within 75 feet of a residential dwelling or 200 feet of any church or school building; except the residence of the owner of the fowl.
 - (9) No more than four (4) fowl or domestic chickens, and no roosters shall be kept on any premises in the City.

State law reference: Code of Virginia, § 3.2-6544.

Sec. 6-5. Keeping of swine near residences.

No hog or pig shall be kept within five hundred (500) yards of any residence, building, stream, well, creek, or brook.

State law reference: Code of Virginia, § 3.2-6544.

Sec. 6-6. Livestock running at large.

No person shall permit a horse, mule, cow or other livestock which he owns, or which is within his possession, custody or control, to run at large in the city. Any animal found running at large in violation of this section shall be impounded until redeemed, and if not redeemed within five (5) days after advertisement has been made in one (1) of the city newspapers, it may be sold by the chief of police. The proceeds of such sale, after deducting

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therefrom any amounts for any fine, court costs, keeping and advertising, shall be held by the treasurer for the benefit of the owner. No such animal shall be advertised until it has been impounded forty-eight (48) hours.

Charter reference: Authority of city to prevent running at large of animals and fowl, Ch. 11, § 11.

State law reference: Code of Virginia, § 3.2-6544.

Sec. 6-7. Fowl running at large.

No owner of fowl of any description shall fail to confine them so as to prevent their straying to the premises of others.

State law references: Code of Virginia, § 3.2-6544.

Sec. 6-8. Animals at large.

No person shall suffer or permit any animal belonging to him or under his control to go at large in the city, or be kept in the city at any time, except in strict confinement in such manner as to be safe for the public; provided, however, that this section shall not be construed to apply to dogs.

State law reference: Code of Virginia, § 3.2-6544.

Sec. 6-9. Sanitary condition of stables, sheds, etc.

No person owning, occupying and having use of any stable, shed, pen, stall or other place wherein animals of any kind are kept shall permit such stable, shed, pen, stall or other place to become or remain filthy or unwholesome.

State law reference: Code of Virginia, § 3.2-6503.

Sec. 6-10. Storage and removal of manure.

Every person owning or occupying any building or part of a building in which any horse, mule, cow or similar animal is kept shall provide in connection therewith a flytight bin or pit for the reception of manure. Pending the removal from the premises, manure shall be kept in such bin or pit. Stable manure shall be removed by persons maintaining stables.

State law reference: Code of Virginia, § 3.2-6503.

Sec. 6-11. Discarding dead animal in street; allowing dead animal to remain unburied; disposition of carcasses.

(a) If any person casts any dead animal into a street or road or knowingly permits any dead animal to remain unburied upon his property when offensive to the public, he shall be guilty of a Class 3 misdemeanor.

(b) The carcasses of dead animals shall be disposed of in accordance with the directions of the city manager.

State law reference: Code of Virginia, § 18.2-323.

Sec. 6-12. Definitions.

Unless a contrary definition is apparent, as used in this chapter, the following words shall have the meanings ascribed to them in this section:

Abandon means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care as set forth in section 6-79 of this chapter for a period of five (5) consecutive days.

Adequate care or *care* means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

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Adequate exercise or exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, size, and condition of the animal.

Adequate feed means access to and the provision of food which is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats, provides a solid surface, resting platform, pad, floormat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Under this chapter, shelters whose wire, grid, or slat floors (i) permit the animals' feet to pass through the openings; (ii) sag under the animals' weight; or (iii) otherwise do not protect the animals' feet or toes from injury are not adequate shelter.

Adequate space means sufficient space to allow each animal to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal and (ii) interact safely with other animals in the enclosure. When an animal is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three (3) times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to professionally accepted standards for the species is considered provision of adequate space.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every twelve (12) hours, to maintain normal hydration of the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Adoption means the transfer of ownership of a dog or cat from a releasing agency to an individual.

Agricultural animals means all livestock and poultry.

Ambient temperature means the temperature surrounding the animal.

Animal means any nonhuman vertebrate species except fish. For the purposes of Article IV of this chapter, animal means any species susceptible to rabies. For the purposes of section 6-75 of this chapter, animal means any nonhuman vertebrate species including fish except those fish captured and killed or disposed of in a reasonable and customary manner.

Animal control officer means a person or his deputy appointed by the city who is responsible for enforcing state and local animal welfare and control provisions.

Animal shelter means a facility which is used to house or contain animals and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty of

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animals, animal rescue group, or any other organization devoted to the welfare, protection, and humane treatment of animals.

Boarding establishment means a place or establishment other than a pound or animal shelter where companion animals not owned by the proprietor are sheltered, fed, and watered in exchange for a fee.

Collar means a well-fitted device, appropriate to the age and size of the animal, attached to the animal's neck in such a way as to prevent trauma or injury to the animal.

Commercial dog breeder means any person who, during any 12-month period, maintains thirty (30) or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

Companion animal means any domestic or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any feral animal or any animal under the care, custody, or ownership of a person or any animal which is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this chapter.

Consumer means any natural person purchasing an animal from a dealer or pet shop or hiring the services of a boarding establishment. The term "consumer" shall not include a business or corporation engaged in sales or services.

Dealer means any person who in the regular course of business for compensation or profit buys sells, transfers, exchanges, or barter companion animals. Any person who transports companion animals in the regular course of business as a common carrier shall not be considered dealer.

Direct and immediate threat means any clear and imminent danger to an animal's health, safety or life.

Dump means to knowingly desert, forsake, or absolutely give up without having secured another owner or custodian any dog, cat, or other companion animal in any public place including the right-of-way of any public highway, road or street or on the property of another.

Emergency veterinary treatment means veterinary treatment to stabilize a life-threatening condition, alleviate suffering, prevent further disease transmission, or prevent further disease progression.

Enclosure means a structure used to house or restrict animals from running at large.

Euthanasia means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during such loss of consciousness.

Exhibitor means any person who has animals for or on public display, excluding an exhibitor licensed by the United States Department Agriculture.

Facility means a building or portion thereof as designated by the State Veterinarian, other than a private residential dwelling and its surrounding grounds, that is used to contain a primary enclosure or enclosures in which animals are housed or kept.

Foster care provider means an individual who provides care or rehabilitation for companion animals through an affiliation with a pound, animal shelter, or other releasing agency.

Foster home means a private residential dwelling and its surrounding grounds at which site through an affiliation with a pound, animal shelter, or other releasing agency care or rehabilitation is provided for companion animals.

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Groomer means any person who, for a fee, cleans, trims, brushes, makes neat, manicures, or treats for external parasites any animal.

Home-based rescue means any person that accepts: (i) more than twelve (12) companion animals; or (ii) more than nine (9) companion animals and more than three (3) unweaned litters of companion animals in a calendar year for the purpose of finding permanent adoptive homes for the companion animals and houses the companion animals in a private residential dwelling or uses a system of housing companion animals in private residential foster homes.

Humane means any action taken in consideration of and with the intent to provide for the animal's health and well-being.

Humane investigator means a person who has been appointed by a circuit court as a humane investigator as provided in Code of Virginia, § 3.2-6558.

Humane society means any chartered, nonprofit organization incorporated under the laws of this commonwealth and organized for the purpose of preventing cruelty to animals and promoting humane care and treatment of animals.

Kennel means any establishment in which five (5) or more canines, felines, or hybrids of either are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing.

Law enforcement officer means any person who is a full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

Livestock includes all domestic or domesticated: bovine animals; equine animals; ovine animals; porcine animals; cervidae animals; caprae animals; animals of the genus Lama; ratites; fish or shellfish in aquaculture facilities, as defined in Code of Virginia, § 3.2-2600; enclosed domesticated rabbits or hares raised for human food or fiber; or any other individual animal specifically raised for food or fiber, except companion animals.

New owner means an individual who is legally competent to enter into a binding agreement pursuant to subsection 6-94(b)(2) of this chapter, and who adopts or receives a dog or cat from a releasing agency.

Ordinance means any law, rule, regulation, or ordinance adopted by the governing body of any locality.

Other officer includes all other persons employed or elected by the people of Virginia, or by any locality, whose duty it is to preserve the peace, to make arrests, or to enforce the law.

Owner means any person who: (i) has a right of property in an animal, (ii) keeps or harbors an animal, (iii) has an animal in his care, or (iv) acts as a custodian of an animal.

Pet shop means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

Poultry includes all domestic fowl and game birds raised in captivity.

Pound means a facility operated by the commonwealth, or any locality, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals; or a facility operated for the same purpose under a contract with any county, city, town, or incorporated society for the prevention of cruelty to animals.

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Primary enclosure means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage, compartment, or hutch. For tethered animals, the term includes the shelter and the area within reach of the tether.

Properly cleaned means that carcasses, debris, food waste and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequently to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

Properly lighted when referring to a facility means sufficient illumination to permit routine inspections, maintenance, cleaning, and housekeeping of the facility, and observation of the animals; to provide regular diurnal lighting cycles of either natural or artificial light, uniformly diffused throughout the animal facilities; and to promote the well-being of the animals.

Properly lighted when referring to a private residential dwelling and its surrounding grounds means sufficient illumination to permit routine maintenance and cleaning thereof, and observation of the companion animals; and to provide regular diurnal lighting cycles of either natural or artificial light to promote the well-being of the animals.

Releasing agency means a pound, animal shelter, humane society, animal welfare society, society for the prevention of cruelty to animals, or other similar entity that releases a dog or cat for adoption.

Research facility means any place, laboratory, or institution licensed by the United States Department of Agriculture at which scientific tests, experiments, or investigations involving the use of living animals are carried out, conducted, or attempted.

Sanitize means to make physically clean and to remove and destroy, to a practical minimum, agents injurious to health.

Sore means, when referring to an equine, that an irritating or blistering agent has been applied, internally or externally, by a person to any limb or foot of an equine; any burn, cut, or laceration that has been inflicted by a person to any limb or foot of an equine; any tack, nail, screw, or chemical agent that has been injected by a person into or used by a person on any limb or foot of an equine; any other substance or device that has been used by a person on any limb or foot of an equine; or a person has engaged in a practice involving an equine, and as a result of such application, infliction, injection, use, or practice, such equine suffers, or can reasonably be expected to suffer, physical pain or distress, inflammation, or lameness when walking, trotting, or otherwise moving, except that such term does not include such an application, infliction, injection, use, or practice in connection with the therapeutic treatment of an equine by or under the supervision of a licensed veterinarian. Notwithstanding anything contained herein to the contrary, nothing shall preclude the shoeing, use of pads, and use of action devices as permitted by 9 C.F.R. 11.2.

Sterilize or sterilization means a surgical or chemical procedure performed by a licensed veterinarian that renders a dog or cat permanently incapable of reproducing.

Treasurer includes the treasurer and his assistants of the city or other officer designated by law to collect taxes in the city.

Treatment or adequate treatment means the responsible handling or transportation of animals in the person's ownership, custody or charge, appropriate for the age, species, condition, size and type of animal.

Veterinary treatment means treatment by or on the order of a duly licensed veterinarian.

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Weaned means that an animal is capable of and physiologically accustomed to ingestion of solid food or food customary for the adult of the species, and has ingested such food, without nursing, for a period of at least five (5) days.

(Ord. No. 2009-20, 10-13-09)

State law reference: Code of Virginia, § 3.2-6500.

Secs. 6-13--6-25. Reserved

This ordinance shall become effective upon the date of its adoption and shall be passed on one and only reading dispensing with a second reading by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

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ORDINANCE NO. 2012-07

An Ordinance amending and reenacting Section 18-1, Unlawful accumulations or growth, of Article I, Garbage, Refuse and Weeds, of the Code of the City of Hopewell.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HOPEWELL that Section 18-1, Unlawful accumulations or growth, of Article I, Garbage, Refuse and Weeds, of the Code of the City of Hopewell is amended and reenacted as follows:

Chapter 18 GARBAGE, REFUSE AND WEEDS

ARTICLE I. IN GENERAL

Sec. 18-1. Unlawful accumulations or growth.

- (a) It shall be unlawful for the owner of any land ("property") within the city:
- (1) To permit the accumulation on such property of garbage, refuse, litter, trash, debris and other substances which might endanger the health, safety or welfare of residents of the city.
 - (2) To permit grass, weeds, or other foreign growth in excess of one foot in height to grow on any occupied or vacant developed, or undeveloped property. This subsection shall not apply to wooded areas of land in their natural state.
- (b) In the event of a violation of subsection (a) of this section, the city manager or his duly authorized agent shall serve a notice of violation on the property owner who shall, within ten (10) days, proceed to correct the condition. Said notice of violation shall be served either by personally delivering it to the property owner or by sending it by certified mail, return receipt requested, to the address listed in the real estate tax records. If the condition is not corrected satisfactorily within ten (10) days of service of such written notice, the city manager or his duly authorized agent may proceed to have the condition corrected, either by city forces or by a private contractor. The actual cost thereof, together with an administrative handling charge of one hundred dollars (\$100.00) shall be billed to the property owner, and if not paid within thirty (30) days, shall be added to and collected in the same manner as the real estate tax on such property, and shall constitute a lien on the subject property.
- (c) In the event of a violation of subsection (a), the owner of the property shall also be subject to a civil penalty of fifty dollars (\$50.00) for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall be two hundred dollars (\$200.00). Each business day during which the same violation is

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found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of \$3,000 in a 12-month period.

(d) In the event the owner of property in violation of this section cannot, with reasonable diligence, be located, the notice of violation may be served on any agent of the owner or other person in charge of the property, who shall correct the condition constituting the violation.

State law reference: Authority for above section, Code of Virginia, §15.2-901.

Sec 18-2. Nuisances

(a) Any weeds, grass, or other foreign vegetation growth upon any property within the city which is detrimental to the health, safety or welfare of the inhabitants of the city, are hereby declared a nuisance.

(b) Any weeds, shrubs, grass, or other vegetation growth upon any property within the city which is in excess of fourteen (14) inches in height are hereby declared a nuisance. This subsection shall not apply to wooded areas of land in their natural state.

(c) Any hedge, shrub, tree or other vegetation, the limbs, branches or other parts of which overhang, extend or protrude into any street, sidewalk or public alley in a manner which obstructs or impedes the safe and orderly movement of persons or vehicles thereon or, in the case of trees, when the dead limbs or branches thereof are likely to fall into or across such street, sidewalk or public alley, thereby endangering such persons or vehicles, or which would cause a traffic hazard as described in section 18 (Q) of the zoning ordinance are hereby declared a nuisance.

(d) Any grass, weeds, or other vegetable matter growing on any sidewalk, or between any sidewalk and the paved surface of the street, are hereby declared a nuisance and it shall be the duty of the owner or occupant of any land or premises abutting upon such sidewalks to keep such grass, weeds, and other vegetable matter cut at all times to prevent such space from becoming unsightly or offensive, or from constituting a hazard to the health, safety or welfare of the residents of the city.

(e) Any accumulations of garbage, refuse, litter, trash, debris and other substances on any parking lot which might endanger the health, safety or welfare of residents of the city are hereby declared a nuisance and it shall be the duty of the owner or occupant of any parking lot to keep such garbage, refuse, letter, trash, debris and other substances clear from any parking lot at all times to prevent such space from becoming unsightly or offensive, or from constituting a hazard to the health, safety or welfare of the residents of the city.

(f) Any storing of personal possessions or accumulations visible from the street or neighboring properties, including but not limited to: commercial or household fixtures, appliances, furniture, equipment or accessories; automotive equipment, parts or accessories; construction equipment, supplies or accessories; or any item causing an offensive, unwholesome, unsanitary or unhealthy accumulation in or on any place or premises are hereby declared a nuisance.

(g) No owner or occupant of any property within the city shall cause, permit, or allow the existence of any nuisance described in subsections (a) - (f) of this section to exist on said property.

(h) Subsections (a) – (e) shall not apply to wooded areas of land in their natural state.

State law references: Authority for above section, Code of Virginia, §15.2-901 and §15.2-1115.

Sec. 18-3 Abatement of Nuisances

(a) In the event of a violation of the preceding section 18-2, the city manager or his duly authorized agent shall serve a notice of violation on the property owner and/or occupant who shall, within ten (10) days, proceed to

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correct the condition. The owner of the property and the occupant of the property, if different, shall be jointly and severally liable for any violation of section 18-2.

(b) The notice of violation shall be served either by personally delivering it to the property owner and/or occupant, sending it by certified mail, return receipt requested, to the address listed in the real estate tax records, or by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access. If the condition is not corrected satisfactorily within ten (10) days of service of such written notice, the city manager or his duly authorized agent may proceed to have the condition corrected, either by city forces or by a private contractor. The actual cost thereof, together with an administrative handling charge of one hundred dollars (\$100.00) shall be billed to the property owner or occupant, and if not paid within thirty (30) days, shall be added to and collected in the same manner as the real estate tax on such property.

(c) Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. The city may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

State law references: Authority for above section, Code of Virginia, §15.2-901 and §15.2-1115.

This ordinance shall become effective upon the date of its adoption and shall be passed on one and only reading dispensing with a second reading by the City Council. In all other respects said Code of the City of Hopewell shall remain unchanged and be in full force and effect.

PUBLIC HEARING – PROPOSED CITY CAPITAL PROJECTS BUDGET RESOLUTION AMENDMENT, CITY BUDGET INCREASE - \$1,500,000 TO BE MADE FOR THE FY 2012/2013 BUDGET

This was the night advertised as a Public Hearing to receive public comments regarding a proposed City Capital Projects Budget Resolution Amendment, City Budget Increase - \$1,500,000 to be made for the FY 2012/2013 Budget.

Mayor Luman-Bailey opened the public hearing at __:__ PM.

There being no (other) speakers, the public hearing was closed at __:__ PM.

Motion was made by _____, and seconded by Councilor _____, to adopt the Budget Resolution Amendment, City Budget Increase - \$1,500,000 to be made for the FY 2012/2013 Budget.

Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

BUDGET RESOLUTION AMENDMENT
FISCAL YEAR 2012-2013

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WHEREAS, at the meeting of the City Council of the City of Hopewell held on August 14, 2012, a budget increase for FY 2012-2013 was introduced in its complete form for a capital project and \$1,500,000 is the estimated costs of the marina project and,

WHEREAS, sufficient funds exist in the respective fund balance reserve accounts for budget amendment;

BE IT, HEREBY, RESOLVED by the City Council of the City of Hopewell:

Sec. 1 The following designated funds and accounts shall be appropriated for the marina capital improvement project from fund balance.

Capital Projects Fund-071

Use of Fund Balance.....	\$1,500,000
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Appropriations:

City Marina Improvement Project.....	\$1,500,000
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COMMUNICATIONS FROM CITIZENS

There being no (other) speakers, Communications from Citizens was closed.

PRESENTATION – KEEP HOPEWELL BEAUTIFUL

UNFINISHED BUSINESS – ORDINANCE #2012-02 – A REQUEST SUBMITTED BY THE CITY OF HOEWPELL TO AMEND ARTICLE I, DEFINITIONS, OF THE ZONING ORDINANCE OF THE CITY OF HOPEWELL

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**CITIZEN/COUNCILOR REQUEST COUNCILOR SHORNAK – DISCUSS ALLOCATING
ADDITIONAL MONIES TO THE PUBLIC WORKS DEPARTMENT – FOR NECESSARY REPAIRS
TO NEIGHBORHOOD STREETS**

Councilor Shornak initiated discussion to allocate additional monies to the Public Works Department that will enable the department to supplement their budget for the purpose of making the necessary repairs to city neighborhood streets based on priorities to be established by the Public Works Department.

Motion was made by Councilor _____, and seconded by Councilor _____ to adopt the Budget Amendment. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

**CITIZEN/COUNCILOR REQUEST – COUNCILOR SHORNAK – DISCUSS POLICIES AND/OR
PROCEDURES FOR OUTSOURCING THE CITY’S LEGAL WORK**

Councilor Shornak opened discussion on policies and/or procedures for outsourcing the City’s legal work.

**CITIZEN/COUNCILOR REQUEST – JIM COUNCIL/ELLEN COUCH/KATIE SLOAN – SMART
BEGINNINGS HOPEWELL-PRINCE GEORGE, ADVISE CITY COUNCIL REGARDING SMART
BEGINNINGS IN OUR LOCAL COMMUNITIES AND ACTIVITIES SPECIFIC TO HOPEWELL**

**CITIZEN/COUNCILOR REQUEST – COUNCILOR PELHAM – UPDATE ON THE SENIOR
CITIZENS PROGRAM IN REGARDS TO I-295 REVENUE**

CITIZEN/COUNCILOR REQUEST – COUNCILOR PELHAM – PROPOSAL TO CHANGE ARLINGTON PARK NEIGHBORHOOD PARK TO ARLINGTON COMMUNITY PARK

CITIZEN/COUNCILOR REQUEST – COUNCILOR STOKES – CSX-DOWNTOWN PARTNERSHIP PLAYGROUND GRANT-PLAYGROUND EQUIPMENT PLACEMENT

Motion was made by Councilor _____, and seconded by Councilor _____ to reaffirm placement (location) of playground equipment, funded by the CSX/Downtown Partnership grant, in City Park as proposed by the Patrick Copeland Site Committee in 2008. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOWPELL IN OPPOSITION TO THE INSTALLATION OF TOLL COLLECTION FACILITIES ON INTERSTATE

95

Motion was made by Councilor _____, and seconded by Councilor _____, to adopt the resolution in opposition to the installation of toll collection facilities on Interstate 95. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

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Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

VIRGINIA: At a regular meeting of the Council of the City of Hopewell held in the Council Chambers of the City of Hopewell Municipal Building on the 14th day of August, 2012 at 7:30 PM.

Present: Christina J. Luman-Bailey, Mayor
K. Wayne Walton, Vice Mayor
Roosevelt Edwards, Jr., Councilor
Michael C. Bujakowski, Councilor
Gerald S. Stokes, Councilor
Brenda S. Pelham, Councilor
Jackie M. Shornak, Councilor

**A RESOLUTION OF THE COUNCIL OF THE CITY OF HOPEWELL IN
OPPOSITION TO THE INSTALLATION
OF TOLL COLLECTION FACILITIES ON INTERSTATE 95**

BACKGROUND

Interstate 95 is a critical transportation corridor in Virginia that connects major metropolitan areas within the state, serves as a link in the main north/south transportation corridor of the East Coast, supports numerous supply chain logistic centers that are critical to Virginia's economy and provides a vital route for the daily transportation needs of tens of thousands of Virginia commuters and businesses.

The Virginia Department of Transportation has developed the I-95 Corridor Improvement Program identifying major repairs and improvements that are critically needed now and over the next 25 years. This I-95 CIP estimates that these repairs and improvements will cost \$12.1 billion over the next 25 years which equates to \$484 million per year on average. The projected needs for operation, maintenance and construction over the next 25 years exceeds current funding levels by a total of \$9.6 billion or, on average, \$384 million per year.

VDOT's I-95 Vision Plan states that "[t]olling is one option to address the long-term funding needs of the I-95 corridor. Other funding alternatives will continue to be investigated."

Although several toll collection scenarios are being investigated by VDOIT, one recently described by VDOT as the most likely scenario includes a toll collection facility located south of Petersburg on Interstate 95 and another facility located somewhere north of the I-295/I-95 interchange north of Richmond. VDOT is anticipating tolls of \$2 to \$4 for passenger vehicles and \$6 to \$12 for tractor-trailer vehicles.

Net revenue from these facilities is estimated by VDOT to be between \$25 million and \$30 million per year. Initial construction costs would be approximately \$50 million. Estimates of the ongoing operation and maintenance costs of these facilities are not currently available.

RESOLUTION

In consideration of the foregoing, BE IT RESOLVED by the Council of the City of Hopewell to express its strong opposition to the installation of toll collection facilities on Interstate 95 for the following reasons:

1. The proposed toll collection facilities would be an utterly inefficient means of collecting additional revenues. By VDOT's own estimates, the equivalent of at least an entire year's revenue will be spent to construct the facilities. No revenue will be collected during the estimated two-year construction period, but motorists on I-95 will suffer from construction delays. Thereafter, the annual costs of operating and maintaining the toll facilities will substantially reduce the revenue actually available for road improvements.

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2. The prosecution of toll violators will pose an additional burden on state police and on local judicial systems. Moreover, toll collection facilities invariably cause an increase in traffic congestion and an increase in accidents.

3. Toll collection facilities on Interstate 95 will result in increased traffic volumes on local roads as both local residents and through motorists seek to circumvent the toll collection facilities.

4. Toll collection facilities on Interstate 95 on either end of the Richmond Metropolitan area would discourage the location of new supply chain logistic companies in the Richmond Metropolitan Area and would adversely affect such existing operations.

5. The Federal Interstate System and Rehabilitation Pilot Program, under which VDOT proposes toll facilities, specifically prohibits the use of federal interstate maintenance funds on any segment of interstate on which toll facilities are placed during the term of the pilot program. The approximately \$50 million dollars per year that VDOT currently receives from the Federal Highway Administration for maintenance of I-95 would no longer be available for that purpose. These funds presumably would be reallocated to other interstate highways in Virginia, and it is unknown at this point whether other funds currently allocated to these other interstate highways could be shifted back to I-95. Therefore it is distinctly possible that the collection of tolls on I-95 could result in *no increase or even a net reduction* of funds available for improving and *maintaining* I-95.

BE IT FURTHER RESOLVED that this Resolution be sent to the Governor, the Commissioner of Transportation, the members of the Commonwealth Transportation Board and the members of City of Hopewell's legislative delegation and that response be requested from each member of the legislative delegation on this matter of special importance to the Richmond Metropolitan Area.

On motion of _____ seconded by _____ the members of the Council of the City of Hopewell voted to approve this Resolution as follows:

Vote

Christina J. Luman-Bailey
K. Wayne Walton
Roosevelt Edwards, Jr.
Michael C. Bujakowski
Gerald S. Stokes
Brenda S. Pelham
Jackie M. Shornak

The undersigned certifies that this is a correct copy of the Resolution of the Council of the City of Hopewell.

Dated: August 14, 2012

/s/ Ann M. Romano

City Clerk, City of Hopewell

REGULAR BUSINESS – BEN RUPPERT – EMERGENCY OPERATIONS PLAN RESOLUTION

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Motion was made by Councilor _____, and seconded by Councilor _____ to adopt the City of Hopewell Emergency Operations Plan resolution as required by the Commonwealth of Virginia Emergency Services and Disaster Laws Title 44. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

RESOLUTION

WHEREAS, there exist many dangers of many types including man-made disasters, natural disasters, and possible hostile actions of any unknown enemy; and

WHEREAS, the safety and protection of the citizens and property is of foremost concern to the City Council of the City of Hopewell; and

WHEREAS, the City Council desires and the Commonwealth of Virginia Title 44 Emergency Services and Disaster Laws Section 44-146-19 require the readoption of appropriate planned protective measures every four years.

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Hopewell, Virginia, hereby adopts the City of Hopewell Emergency Operations Plan with its associated annexes.

ADOPTED this 14th day of August 2012.

REGULAR BUSINESS – 2012/2013 LOCAL CHALLENGE GRANT – VIRGINIA COMMISSION FOR THE ARTS

Motion was made by Councilor _____, and seconded by Councilor _____ to resolve to authorize acceptance of donation of match in the amount of \$5,000.00, for Local Challenge Grant from the Historic Hopewell Foundation. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – CHAPTER 31-SEWERS AND SEWAGE DISPOSAL – AMEND CHAPTER 31 OF THE CODE OF THE CITY OF HOPEWELL TO ESTABLISH RATES AND FEES FOR SERVICES BY THE CITY’S SANITARY SEWER SYSTEM; ENACTING PROVISIONS INCIDENT AND RELATING TO THE BILLING AND COLLECTION OF SUCH SEWER CHARGES AND FEES; PRESCRIBING AN EFFECTIVE DATE SUCH RATES ARE TO BECOME EFFECTIVE

Motion was made by Councilor _____, and seconded by Councilor _____ to approve Ordinance on first reading amending Chapter 31 of the Code of the City of Hopewell. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
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Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – TREASURER, TERESA BATTON – REQUEST REFUND OVER \$2,500 (\$5,367.79) TO WOODFIN HEATING, INC.

In accordance with State Code sections 58.1-3981 and 58.1-3990, it is requested that \$5,367.79 be refunded to Woodfin Heating, Inc. The estimate provided for gross receipts in 2010 was too high and was adjusted to reflect actual receipts in 2010; part of the original 2010 estimated receipts actually occurred in 2011 and a portion of the refund was applied to the supplemental bill for the 2011 business license.

Motion was made by Councilor _____, and seconded by Councilor _____ to resolve to approve \$5,367.79 refund to Woodfin Heating, Inc. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – TREASURER, TERESA BATTON – REQUEST REFUND OVER \$2,500 (\$2,659.93) TO MILLER OIL COMPANY, INC.

In accordance with State Code Sections 58.1-3981 and 58.1-3990, it is requested that \$2,659.93 be refunded to Miller Oil Company, Inc. Miller Mart #60 closed May 31, 2012, and the above refund represents the prorated amount due, including interest.

Motion was made by Councilor _____, and seconded by Councilor _____ to resolve to approve \$2,659.93 refund to Miller Oil Company, Inc. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – HUMAN RESOURCES, DIRECTOR GAIL VANCE – AMENDMENT TO THE CITY OF HOPEWELL HUMAN RESOURCES POLICIES AND PROCEDURES MANUAL SECTION 24: EMPLOYEE FRINGE BENEFITS, PARAGRAPH 24.3 MEDICAL HEALTH INSURANCE

Staff recommended an amendment to the City of Hopewell, Human Resources Policies and Procedures Manual, Section 24: Employee Fringe Benefits, 24.3 Medical Health Insurance to reflect the reduction of the waiting period, "Full-time employees hired between the 1st and 14th of the month are eligible for health coverage the 1st day of the month following hire date. However, full-time employees hired after the 15th of the month are eligible for health coverage the 1st day of the month following the month after hire date (i.e., hire date is July 16th, eligibility date is September 1st)."

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Motion was made by Councilor _____, and seconded by Councilor _____, to resolve to approve an amendment to the City of Hopewell Human Resources Policies and Procedures Manual Section 24: Employee Fringe Benefits, Paragraph 24.3 Medical Health Insurance. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – VRS GROUP LIFE INSURANCE

City employees will be charged 0.71% of salary for mandated life insurance coverage. The City has received a health insurance rebate of \$95,128.97 for fiscal year 2011/2012. \$27,938.70 of that total is the employee share and will be paid to employees and retirees based on premium payments. In June, the state notified the city that employees would be charged 0.71% of salary for mandated life insurance coverage. The state had not charged the employee share since 2009 which was a surprise to employees. It negatively impacted the 3% salary increase (1½% VRS adjustment and 1½% COLA).

It is proposed that the employer share of the health insurance rebate (\$67,190.27) be used to pay the employee share of the VRS Life Insurance for the remainder of the new fiscal year. It is estimated to cost \$102,036.00 with the additional funds coming from the employee benefits account.

Motion was made by Councilor _____, and seconded by Councilor _____, to resolve to authorize the city to pay the employee share of VRS Group Life Insurance for the remainder of FY 2012/2013. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – CITY ENGINEER, JOHNNIE BUTLER – ATWATER ROAD – VIRGINIA CONCRETE CONSTRUCTION CHANGE ORDER

The Atwater Road contractor assignment to Virginia Concrete Construction is now 100% complete. During the course of the project several component items increased the assignment line items over the original estimated amounts used to apply a cost. In addition, springs in the area and water main leakage had saturated some of the subsurface zones, which had to be removed to get to suitable road section conditions. To avoid a long open ditch paralleling the park frontage the new 24" outfall pipe was extended to get beyond the park restroom facilities and heavy foot traffic in the area. This achieved a more suitable and safe slope condition. Once the new road section template was installed it became evident the project would require greater than expected: excavation; aggregate and placement of fill material under the curb, behind the new curb line and sidewalk zone. The new road section is on a prescriptive alignment, profile and cross section, where the old road meandered and varied throughout. The final contractor payment is expected to exceed the administrative adjustment limit (\$50,000) by an estimated \$3,500 to \$5,000. The amount of cumulative increases are estimated to be around \$55,000.00 or 22.5% overall. Fund source to cover the overage is from the Atwater Road CIP program funds budget line item on this project.

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Motion was made by Councilor _____, and seconded by Councilor _____ to resolve to authorize the change order. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – CITY ENGINEER, JOHNNIE BUTLER – VDOT – CEDAR LEVEL ROAD PROJECT

In January 2012 the City staff and VDOT staff met on the subjects below:

1. Modernizing the present-day road plans
2. Converting the plans from metric to English measurements
3. Evaluating the various design concept options and related cost for different road cross sections and alignments
4. Assessing the project funding levels and future sources of funds
5. VDOT Administrative steps (i.e., new Resolution Letter, Willingness to hold Public Hearing)
6. Beginning utility relocation work in the right-of-way corridor

Administration recommended approval of a 48-foot road cross section, with features to include: two travel lanes; painted flush median; turn lanes; bike lanes on each side; and, a 5-foot sidewalk zone on each side throughout the entire improvement corridor. The project was explained in more specific details as part of the presentation.

Motion was made by Councilor _____, and seconded by Councilor _____, to resolve to revalidate and reaffirm the 2001 VDOT Resolution. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

REGULAR BUSINESS – CITY ATTORNEY “FIRST RESPONSE” FIREFIGHTING/EMS AGREEMENT BETWEEN PRINCE GEORGE COUNTY AND THE CITY OF HOPEWELL

Motion was made by Councilor _____, and seconded by Councilor _____ to authorize the City Manager to execute “First Response” Firefighting/EMS agreement. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

INSERT AGREEMENT

REGULAR BUSINESS – CITY ATTORNEY – COLUMBIA/HCA-JOHN RANDOLPH, INC. SETTLEMENT AGREEMENT

Motion was made by Councilor _____, and seconded by Councilor _____, to authorize the City Manager to execute the Columbia/HCA-John Randolph, Inc. settlement agreement. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

INSERT AGREEMENT

REGULAR BUSINESS – APPOINTMENTS TO BOARDS & COMMISSIONS

Motion was made by Councilor _____, and seconded by Councilor _____ to appoint _____ and _____ to the **BAR** for terms extending thru October 31, **2016**; to appoint to the **Keep Hopewell Beautiful** _____ and _____ for terms to 10/31/16; _____ for a term to 10/31/15; _____ for a term to 10/31/14; and to appoint _____ to the Library Board for a term extending thru October 31, **2012**.

The City Clerk announced vacancies for appointment at the September 11, 2012 meeting.

REPORTS OF CITY COUNCIL COMMITTEES

REPORT OF CITY COUNCIL MEMBERS – DISCUSS REPLACEMENT OF CITY ATTORNEY

Motion was made by Councilor _____, and seconded by Councilor _____, to resolve to authorize the Mayor to enter into negotiations with _____ to become the new City Attorney effective August __, 2012, and instruct the current City Attorney to draft a proposed employment agreement to be approved by Council at a Special Council meeting to be held on _____. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes

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Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

Motion was made by Councilor _____, and seconded by Councilor _____, to resolve to temporarily appoint _____ as the part-time assistant City Attorney, effective August __, 2012 at a temporary hourly salary of \$42.50 per hour. The part-time assistant City Attorney will work 10-15 hours per week training with the current City Attorney. Upon the roll call, the vote resulted:

Councilor Edwards	-	yes
Councilor Bujakowski	-	yes
Councilor Stokes	-	yes
Vice Mayor Walton	-	yes
Councilor Pelham	-	yes
Councilor Shornak	-	yes
Mayor Luman-Bailey	-	yes

ADJOURN

At _:__ PM **motion** to adjourn the meeting was made by _____, seconded by Councilor _____, and unanimously passed.

Christina J. Luman-Bailey
Mayor

Ann M. Romano, City Clerk